

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2008CA2765
)	EEOC NO.: 21BA81631
PATRICIA STEFFENSEN)	ALS NO.: 10-0162
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Robert S. Enriquez, Gregory Simoncini and Marti Baricevic presiding, upon Patricia Steffensen's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")^[1] of Charge No. 2008CA2765; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, **WHEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF JURISDICTION

In support of which determination the Commission states the following:

1. The Petitioner was employed as a loan originator by Guaranteed Rate, Inc. ("Employer"). On February 5, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged the Employer discharged her on October 25, 2007, because of her age, 58 (Count A), and sex, female (Count B), in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act").
2. On February 16, 2010, the Respondent dismissed the Petitioner's charge for lack of jurisdiction based on its determination that the Petitioner failed to file her charge within 180 days of the alleged civil rights violation, as is required by § 7A-102(A) of the Act. See 775 ILCS § 5/7A-102(A). Specifically, the Respondent found that the alleged civil rights violation had occurred on May 30, 2007. The Respondent determined the Petitioner's charge was filed on February 5, 2008, 251 days after the alleged violation had occurred.

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

3. On March 4, 2010, the Petitioner timely filed her Request. In her Request, the Petitioner argues that she did not learn of her discharge until October 25, 2007. The Petitioner argues she filed her charge within 180 days after October 25, 2007.
4. During its investigation, the Respondent determined the Employer hired the Petitioner on April 30, 2007. The Petitioner attended an orientation at the Employer's facilities in May 2007. At that time, the Petitioner informed the Employer's Vice President that she also worked as a real estate agent.
5. The Vice President informed the Regional Manager that the Employer could not hire real estate agents as loan originators. Approximately two weeks later the Regional Manager told the Petitioner's Supervisor to discharge the Petitioner because the Petitioner was also working as a real estate agent.
6. The Respondent determined that on May 30, 2007, the Petitioner's Supervisor informed the Petitioner via telephone that she was discharged as of that date. The Employer's records reflected that the Employer had discharged the Petitioner on May 30, 2007.
7. The Petitioner admitted she did not have access to the Employer's computer system as of May 30, 2007. The Petitioner did not return to the Employer's facilities after May 30, 2007. There was no evidence the Petitioner performed any work for the Employer after May 30, 2007. There was no evidence the Petitioner received any compensation for any work performed for the Employer after May 30, 2007.
8. In its Response to the Request, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge for lack of jurisdiction. The Respondent argues the evidence shows that the Petitioner knew she had been discharged by the Employer as of May 30, 2007.

CONCLUSION

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of jurisdiction. Section 7A-102(A) of the Act requires charges to be filed within 180 days of the alleged civil rights violation. See 775 ILCS § 5/7A-102(A). Section 7A-102(A) sets forth a jurisdictional requirement. Failure to file a charge within 180 days of the alleged civil rights violation deprives the Respondent of jurisdiction to investigate the charge. The 180-day period begins to run from the date the employer gives notice of the employment decision.

There is no evidence the Petitioner performed any work for the Employer after May 30, 2007. The evidence demonstrates the Petitioner was notified of her termination on May 30, 2007. As such, the Respondent correctly determined the Petitioner had 180 days following May 30, 2007, to file a charge of discrimination. The Respondent also correctly determined the Petitioner filed her charge 251 days after May 30, 2007. Therefore, as to both Counts A and B, the Respondent lacks jurisdiction

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over those claims because the Petitioner did not file her charge within 180 days from the date the Petitioner received notice of her termination.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Guaranteed Rate, Inc., as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 18th day of November 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini